

Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior PatentDocket No.
Aerotech 4.1-S

In Re Application Of:

James R. Davis and Daniel G. Hansen

Serial No.	Filing Date	Examiner	Group Art Unit
10/657,620	September 8, 2003	Harold Joyce	3749
Invention: VENTILATION FAN			
			
Owner of Record: Munters Corporation			

TO THE COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,386,828. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

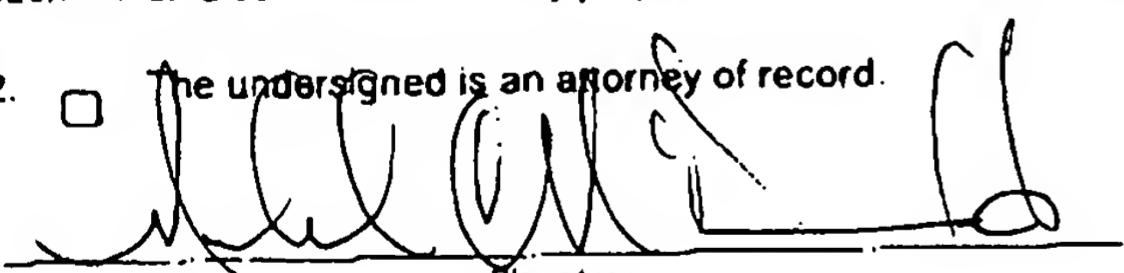
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.



Dated: 12/14/2004

Michael McDonald, President and CEO

Typed or Printed Name

- Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
- PTO suggested wording for terminal disclaimer was unchanged.
- Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

P32/REV01

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: James R. Davis and Daniel G. Hansen

Filed/Issue Date: September 8, 2003

Application No./Patent No.: 10/657,620

Entitled: VENTILATION FAN

Munters Corporation

a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. [] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: James R. Davis and Daniel G. Hansen To: Aerotech, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 011502, Frame 0179, or for which a copy thereof is attached.

2. From: ATF, Inc. d/b/a Aerotech, Inc. To: Munters Corporation

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[] Additional documents in the chain of title are listed on a supplemental sheet.

[] Copies of assignments or other documents in the chain of title are attached.

[NOTE] A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

12/14/2004

Date

Michael McDonald

(517) 676-7070

Printed or Typed Name

Telephone number

President and CEO

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

** TOTAL PAGE. 003 **

UNITED STATES
PATENT AND
TRADEMARK OFFICE

Aerotech

JULY 24, 2003

MCLEOD, MOYNE & REILLY, P.C.
MARY M. MOYNE
2190 COMMONS PARKWAY
OKemos, MI 48864

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Under Secretary of Commerce For Intellectual Property and
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Washington, DC 20231
www.uspto.gov

JUL 26 2003

IAN C. McLEOD



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ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/10/2003

REEL/FRAME: 013821/0232
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

ATF, INC. D/B/A AEROTECH, INC.
DOC DATE: 02/28/2003

MUNTERS CORPORATION
79 MONROE STREET
AMESBURY, MASSACHUSETTS 01913

SERIAL NUMBER: 10144076
PATENT NUMBER:

FILING DATE: 05/13/2002
ISSUE DATE:

SERIAL NUMBER: 09753405
PATENT NUMBER: 6386828

FILING DATE: 01/03/2001
ISSUE DATE: 05/14/2002

STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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OMB No. 0651-0027 (exp. 6/30/2005)

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PATENTS ONLY

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U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

ATF, Inc. d/b/a
Aerotech, Inc.

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: February 28, 2003

2. Name and address of receiving party(ies)

Name: Munters Corporation

Internal Address: _____

Street Address: 79 Monroe Street

City: Amesbury State: MA Zip: 01913

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)
10/144,076

B. Patent No.(s)
6,386,828

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mary M. Moyne

MCLEOD, MOYNE &

Internal Address: REILLY, P.C.

6. Total number of applications and patents involved: 2

7. Total fee (37 CFR 3.41).....\$ 80.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

13-0610

(Attach duplicate copy of this page if paying by deposit account)

Street Address: 2190 Commons Parkway

City: Okemos State: MI Zip: 48864

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mary M. Moyne

Name of Person Signing

Signature

3/3/03

Date

Total number of pages including cover sheet, attachments, and documents: 2

Mail documents to be recorded with required cover sheet information to:

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Washington, D.C. 20231

ASSIGNMENT

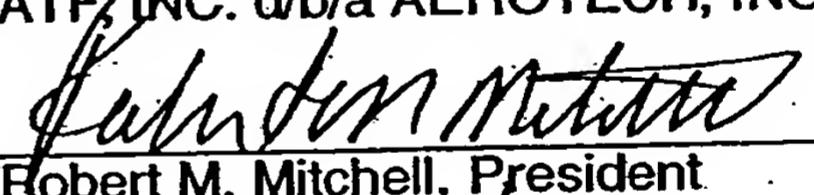
FOR VALUE RECEIVED, ATF, INC. d/b/a AEROTECH, INC., a corporation organized and existing under the laws of the State of Michigan, and having an office and place of business at 4215 Legion Drive, Mason, Michigan 48854-1036, hereby sells, assigns and transfers to MUNTERS CORPORATION, a corporation of New York, having a place of business at 79 Monroe Street, Amesbury, Massachusetts 01913, and to the successors, assigns and legal representatives thereof, the entire right, title and interest in and to the following U.S. patent and U.S. patent application

<u>Patent No.</u>	<u>Inventor</u>	<u>Title</u>	<u>Issue Date</u>	<u>Atty Ref.</u>
6,386,828	J. Davis D. Hansen	Ventilation Fan	May 14, 2002	Aerotech 4.1-2
<u>Serial No.</u>	<u>Inventor</u>	<u>Title</u>	<u>Filing Date</u>	<u>Atty Ref.</u>
10/144,076	J. Davis D. Hansen	Ventilation Fan	May 13, 2002	Aerotech 4.1-4

including any divisions, continuations or reissues thereof together with the right to sue and recover for past, present and future infringement. Such sale, assignment and transfer to be effective as of the date of signature hereto.

Signed in the presence of :

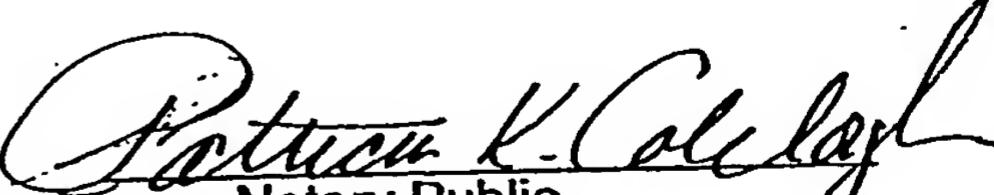
ATF, INC. d/b/a AEROTECH, INC.


Robert M. Mitchell, President
Date: 2/28/2003

STATE OF MICHIGAN :
COUNTY OF INGHAM : ss.

On this 28 day of ~~March~~, 2003, before me personally appeared Robert M. Mitchell, who is known to me and who executed the foregoing Assignment voluntarily and in his capacity as President of ATF, Inc. d/b/a Aerotech, Inc.

SEAL


Notary Public

My Commission Expires: PATRICIA K. COLCLOUGH
NOTARY PUBLIC STATE OF MI, ACTING IN INGHAM
MY COMMISSION EXPIRES Nov 22, 2003



Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
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Washington, D.C. 20231

Aerotech 4.1-2

APRIL 24, 2001

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2190 COMMONS PARKWAY
OKEMOS, MI 48864

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RECORDATION DATE: 02/01/2001

REEL/FRAME: 011502/0179
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DAVIS, JAMES R.

DOC DATE: 01/19/2001

ASSIGNOR:

HANSEN, DANIEL G.

DOC DATE: 01/03/2001

ASSIGNEE:

AEROTECH, INC.
4215 LEGION DRIVE
MASON, MICHIGAN 48854-1036

SERIAL NUMBER: 09753405
PATENT NUMBER:

FILING DATE: 01/03/2001
ISSUE DATE:

KIMBERLY WHITE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

02-13-2001

FORM PTO-1595
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OMB No. 0651-0011 (exp. 4/94)

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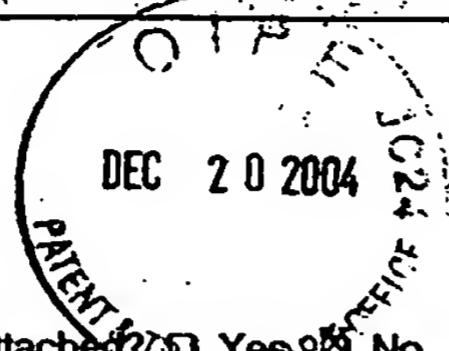
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Patent and Trademark Office

FEB

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

James R. Davis
Daniel G. Hansen

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

9-1-01

<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Other	

Execution Date: 1/19/01 - Davis
1/03/01 - Hansen

4. Application number(s) or patent number(s): 09/753,405

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/753,405

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mary M. Moyne

Internal Address: McLEOD & MOYNE, P.C.

Street Address: 2190 Commons Parkway

City: Okemos State: MI ZIP: 48864

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

 Enclosed Authorized to be charged to deposit account for any fee deficiencies

8. Deposit account number:

13-0610

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(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mary M. Moyne

Name of Person Signing

Signature

01/31/01

Date

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02/12/2001 GT0N11 0000072 09753405 Commissioner of Patents & Trademarks, Box Assignments

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ASSIGNMENT

WHEREAS, we, JAMES R. DAVIS and DANIEL G. HANSEN residing at 1138 Woodwind Trail, Haslett, Michigan 48840 and 5170 Beaumaris Circle, Holt, Michigan 48842, respectively have invented certain new and useful improvements in **VENTILATION FAN** for which an application for United States Letters Patent was filed on Jan. 3, 2001 and assigned Serial No. 09/753,405; and

WHEREAS, Aerotech, Inc., a Michigan corporation, having a place of business at 4215 Legion Drive, Mason, Michigan 48854-1036 (hereinafter referred to as Assignee) is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, the receipt whereof is hereby acknowledged, and other valuable considerations, we the said JAMES R. DAVIS and DANIEL G. HANSEN, have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said Assignee the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations and extensions thereof.

We hereby authorize and request the Patent and Trademark Office officials in the United States and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said Assignee as the assignee of our entire right, title and interest in and

to the same for the sole use and behoof of the said Assignee, its successors and assigns.

FURTHER, we agree that we will communicate to said Assignee or its representatives any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitution, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to said Assignee, make all rightful oaths and generally do everything possible to aid said Assignee, its successors and assigns, to obtain and enforce proper protection for said invention in the United States and in any and all foreign countries.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 19th day of January 2001.

Signed in the Presence of:

Alice R. Hansen

James R. Davis

James R. Davis

STATE OF MICHIGAN :

ss.

COUNTY OF INGHAM :

On this 19th day of January, 2001, personally appeared before me the above named James R. Davis, to me known and known to me to be the person described in and who executed the foregoing instrument and acknowledged the same to be his free act and deed in and for the purposes set forth in said instrument.

SEAL

Alice R. Hansen

Notary Public

My Commission Expires: 1-16-2005

ALICE R. HANSEN
Notary Public, Ingham County, MI
My Commission Expires Jan 16, 2005

IN TESTIMONY WHEREOF, I have hereunto set my hand this 3rd day of January, 2001.

Signed in the Presence of:

Alli Line

Daniel G. Hansen
Daniel G. Hansen

STATE OF MICHIGAN :
ss.
COUNTY OF INGHAM :
ss.

On this 3rd day of January, 2001, personally appeared before me the above named **Daniel G. Hansen** to me known and known to me to be the person described in and who executed the foregoing instrument and acknowledged the same to be his free act and deed in and for the purposes set forth in said instrument.

SEAL

Eileen J. McLeod
Notary Public

My Commission Expires: _____ **EILEEN J. MCLEOD**
Notary Public - Ingham County, MI
My Commission Expires April 30, 2004